principle of specific performance is justly extended to cases where a benefit has been knowingly accepted as consideration for an act. *Administrator* v. *Rynd*, 68 Pa. St. 386.

An interesting illustration of these principles is seen in *Re Stead*, The Law Times, Dec. 9, 1899. Realty was devised to trustees for conversion, and then to hold for A and B absolutely as joint tenants. A secret trust intended to be imposed upon this latter interest was communicated by the testator before death to A, but not to B. On a bill by A to have the trust declared, the court held that A was bound by this agreement, but B was not. In that respect, at least, this decision is a marked departure from precedent. It is very ancient law that joint tenants are but one person: thus, livery of seisin to one is livery to all, Co. Lit. 496; occupation by one is occupation by all, *Small* v. *Clifford*, 38 Me. 213. And so it has been held generally that, while only those tenants in common to whom a secret trust has been communicated are bound thereby, communication to one joint tenant, as in the principal case, is sufficient to bind all. *Rowbotham* v. *Dwinett*, L. R. 8 Ch. D. 430; *Fairchild* v. *Edson*, 154 N. Y. 199. So much of the principal case, therefore, as denies enforcement of the trust against B cannot, it seems, be supported; otherwise the case follows well-accepted principles.

UNBORN CHILDREN IN CRIMINAL LAW. — A child *en ventre sa mere* may be the subject of homicide, — this was again illustrated in England last November. Under an indictment for manslaughter it was proved that the prisoner violently assaulted his wife when she was pregnant. Their child — born later otherwise in a healthy condition — had severe bruises received *en ventre sa mere* from the blows of the father. It soon died, and the prisoner was accordingly convicted of manslaughter. Solicitors' Journal, Nov. 25, 1899. The earlier English text-writers with the exception of Lord Hale have declared generally that one who causes the death of a young child by injuring it *en ventre sa mere* is guilty of homicide: 3 Inst. 50; 1 Hawk. P. C. c. 13, § 16; 4 Blackstone, c. 14. And all the judges in *Regina* v. *Senior*, 1 Moo. C. C. 346, and Mr. Justice Maule in *Regina* v. *West*, 2 C. & K. 784, without stating reasons followed the prevailing view of the text-writers. On the civil side, one finds but little sanction by analogy for this rule of the criminal law. The recognition of rights of unborn children in the law of property depends on special equitable grounds. Moreover, by the weight of authority a child cannot recover in an action of tort for damage received *en ventre sa mere*. 12 HARVARD LAW REVIEW, 209. The error, however, is not an unnatural one. The early writers felt that he who was instrumental in causing the death of a human being should be punished, and they naturally enough classed this crime as homicide. The offence, however, belongs rather in the category with the crime of the procurement of abortion. It is essential to manslaughter or murder that there be application of force to a subject of the state resulting in death. And the crime in the eye of the law occurs, not at the time and place of the death, but at the time and place of the prisoner's act. Therefore, in an indictment for the manslaughter of a young child from injuries received *en ventre sa mere*, it would be impossible for the state to prove that there had ever been force applied to one of its subjects as a member of society.